

July 19, 2013

**VIA EMAIL AND FEDERAL EXPRESS**

425441



William J. Reilly, Esq.  
Assistant Regional Counsel  
United States Environmental Protection Agency, Region 2  
290 Broadway, 17th Floor  
New York, NY 10007-1866

Re: EPA Notice of Potential Liability and Request to Perform the Remedial  
Investigation/Feasibility Study ("RI/FS") for the Riverside Industrial Park Superfund  
Site, Newark, New Jersey

Dear Mr. Reilly:

This letter is in response to EPA's May 22, 2013, General Notice Letter to Allied-Signal, Inc. (n/k/a Honeywell International Inc.), successor to Baron-Blakeslee, Inc., ("Honeywell"). We are counsel to Honeywell in the above-referenced matter.

**Good Faith Offer**

Honeywell is willing to cooperate with EPA and the other parties in a Remedial Investigation and Feasibility Study, limited to the portions of certain lots Baron-Blakeslee, Inc., occupied for approximately two years in the late 1980s, since other owners and operators owned or operated the very same locations decades before and after the Baron-Blakeslee occupancy. The extent of area occupied by Baron-Blakeslee is shown in Attachment A (areas labeled A, B, C, and D on Figure A-3) (the "Baron-Blakeslee Site"). As described in more detail below, Honeywell completed the necessary remedial investigation and remedial action (with the exception of a portion of Lot 67), as approved by the New Jersey Department of Environmental Protection ("NJDEP") under the New Jersey Industrial Site Recovery Act ("ISRA"), to address the portion of the Riverside Industrial Park Superfund Site formerly occupied by Baron-Blakeslee, Inc.

Since Honeywell already addressed all contamination that could be attributable to the Baron-Blakeslee, Inc. operations, there is no reason for EPA to require Honeywell to pay for or perform any additional work at the Riverside Industrial Park Superfund Site. Accordingly, Honeywell's participation in funding and performing the RI/FS for the Riverside Industrial Park



**Norris McLaughlin & Marcus, P.A.**

William J. Reilly, Esq.

July 19, 2013

Page 2

Superfund Site should be limited to the extent of harm attributable to Baron-Blakeslee operations, and offset by the costs Honeywell has incurred performing the remedial investigation and remedial action to date at the Site. As a practical matter, Honeywell believes that its costs incurred to date more than exceed its limited liability for the Site.

**Basis for Honeywell Scope of Participation**

Honeywell's connection to the Riverside Industrial Park Superfund Site is limited in time, area, and extent of contamination. Any contribution by Baron-Blakeslee, Inc., to contamination at the Site is clearly defined and distinguishable from any harm caused by others at the Site. Accordingly, Honeywell is not jointly and severally liable for the performance or payment of a Remedial Investigation and Feasibility Study for the entire Site and any harm attributable to Honeywell or its predecessors is subject to apportionment. See Burlington Northern and Santa Fe Railway Company v. United States, 556 U.S. 599 (2009) (finding time, area, and type of hazardous substances form an appropriate basis for apportionment). Moreover, Honeywell completed, as described below, the necessary investigation and remediation work related to the operations of its predecessor at the Site, and so any harm specifically attributable to Honeywell is likely less than the costs for site remediation already paid by Honeywell.

The Baron-Blakeslee Site arises from a former Industrial Establishment (as such term is defined in ISRA) that operated within a small portion (approximately 5%) of the Riverside Industrial Park. Baron-Blakeslee operated a business at this location for about a two-year period in the late 1980s – a period of time representing about 2% of the time this Site was operated as an industrial park (assuming the Site was first developed in 1909). During Baron-Blakeslee's two-year period of operations, a release of approximately two to three gallons of perchloroethene occurred from a tanker truck located on Block 614, Lot 68 (now, a City of Newark-owned property). Shortly thereafter, Baron-Blakeslee ceased operating. Since Baron-Blakeslee operated what constituted an Industrial Establishment under ISRA, Baron-Blakeslee notified the NJDEP of the cessation of its operations in 1988 which triggered the need to complete an environmental assessment and cleanup of its Industrial Establishment pursuant to ISRA (at the time of cessation of operations, this was known as the Environmental Cleanup Responsibility Act).

It is well documented in records at the New Jersey Department of Environmental Protection that Baron-Blakeslee, Inc., occupied merely 0.4 acres (approximately) of land and building area, including portions of Lot 61, 63, 67, and 68 identified in Attachment A. This area is just 5% of the Site. With respect to Lot 63, the Baron-Blakeslee Site includes only 350 square feet of building floor space within the multi-story building (Building #7) on this lot. With respect to Block 61, the Baron-Blakeslee Site includes only the area within Building #6 (a single-story building). Honeywell did not identify in its remedial investigation any discharges from the Baron-Blakeslee Site at Lots 61 and 63.



## **Norris McLaughlin & Marcus, P.A.**

William J. Reilly, Esq.

July 19, 2013

Page 3

The only discharge related to the Baron-Blakeslee operations is a single, two to three-gallon spill of perchloroethene from a tanker truck parked at Lot 68 during the Baron-Blakeslee occupancy period. Soil and groundwater sampling reflected perchloroethene and trichloroethene contamination in soil and groundwater limited to an area on Lot 68 (now owned by the City of Newark) and the western edge of Lot 67 (now owned by Celcor Associates, LLC, and formerly operated by Chemical Compounds, Inc.). Honeywell (Allied Signal, Inc., at the time) excavated and disposed off-site the contaminated soil affected by this discharge. Honeywell later established a Classification Exception Area to address the isolated extent of groundwater affected by this discharge which affects less than 2 % of all groundwater within the real property limits of the Riverside Industrial Park.

The only other contamination identified by Honeywell (then Allied Signal, Inc.) at the Baron-Blakeslee Site during the ISRA investigation related to historic fill assumed to exist beneath the full extent of the area occupied by Baron-Blakeslee as a result of filling activities that occurred decades prior to Baron-Blakeslee operations. Baron-Blakeslee did not discharge the historic fill contaminants at the Riverside Industrial Park. Since this discharge did not occur during the Baron-Blakeslee time period, Honeywell has no liability, as a past operator, for this discharge pursuant to CERCLA § 107(a). Nonetheless, Honeywell addressed this discharge as required by ISRA by implementing a remedial investigation and remedial action approved by the New Jersey Department of Environmental Protection.

The remedial action included excavating contaminated soil, establishing a Classification Exception Area, installing an engineering control, and recording deed notices. Honeywell constructed an engineering control in or about November 2004 and recorded a deed notice for all areas of the Baron-Blakeslee Site with the exception of merely 2,000 square feet (approximately) of area located on Lot 67 (currently owned by Celcor Associates, LLC and formerly operated by Chemical Compounds, Inc). See Attachment B (City of Newark Deed Notice addressing the Baron-Blakeslee Site at Lots 61, 63, and 68). Unfortunately, Celcor Associates, LLC refuses to sign the deed notice, as it has for years, which prevents Honeywell from closing out the Baron-Blakeslee Site. Other than this portion of the Celcor Associates, LLC property, there are no areas of the Baron-Blakeslee Site that require any further remediation.

Presumably, EPA expects the historic fill it has identified at the Site (the only discharge EPA identified as a basis for listing the Site on the National Priority List) to be addressed using engineering controls and institutional controls, the presumptive remedy established under New Jersey law. Fortunately, Honeywell completed this work for EPA with respect to the Baron-Blakeslee Site.

### **Moving Forward**

Since Celcor Associates, LLC continues to refuse to sign the deed notice, Honeywell is now performing remedial design investigation work at the Celcor Associates, LLC property to

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July 19, 2013

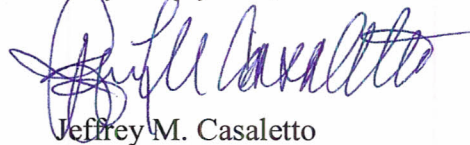
Page 4

determine what other remedy may be feasible for the 2,000 square feet portion of the Baron-Blakeslee Site formerly located on Lot 67.

As discussed above, Honeywell believes its contribution to the remediation of the Site to date exceeds any obligation it may have to perform an RI/FS under CERCLA based on its period of operation, the size of the area of its operations, the nature and extent of the release associated with the operations of Honeywell's predecessors, and the costs Honeywell has incurred for the investigation and remediation already performed. Honeywell looks forward to discussions with EPA regarding how it may cooperate with EPA consistent with the above.

Honeywell reserves any and all rights with respect to any allegations by EPA or any allegations by potentially responsible parties. Nothing in this letter shall be considered an admission of any liability whether by omission or otherwise.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jeffrey M. Casaletto", is written over a printed name.

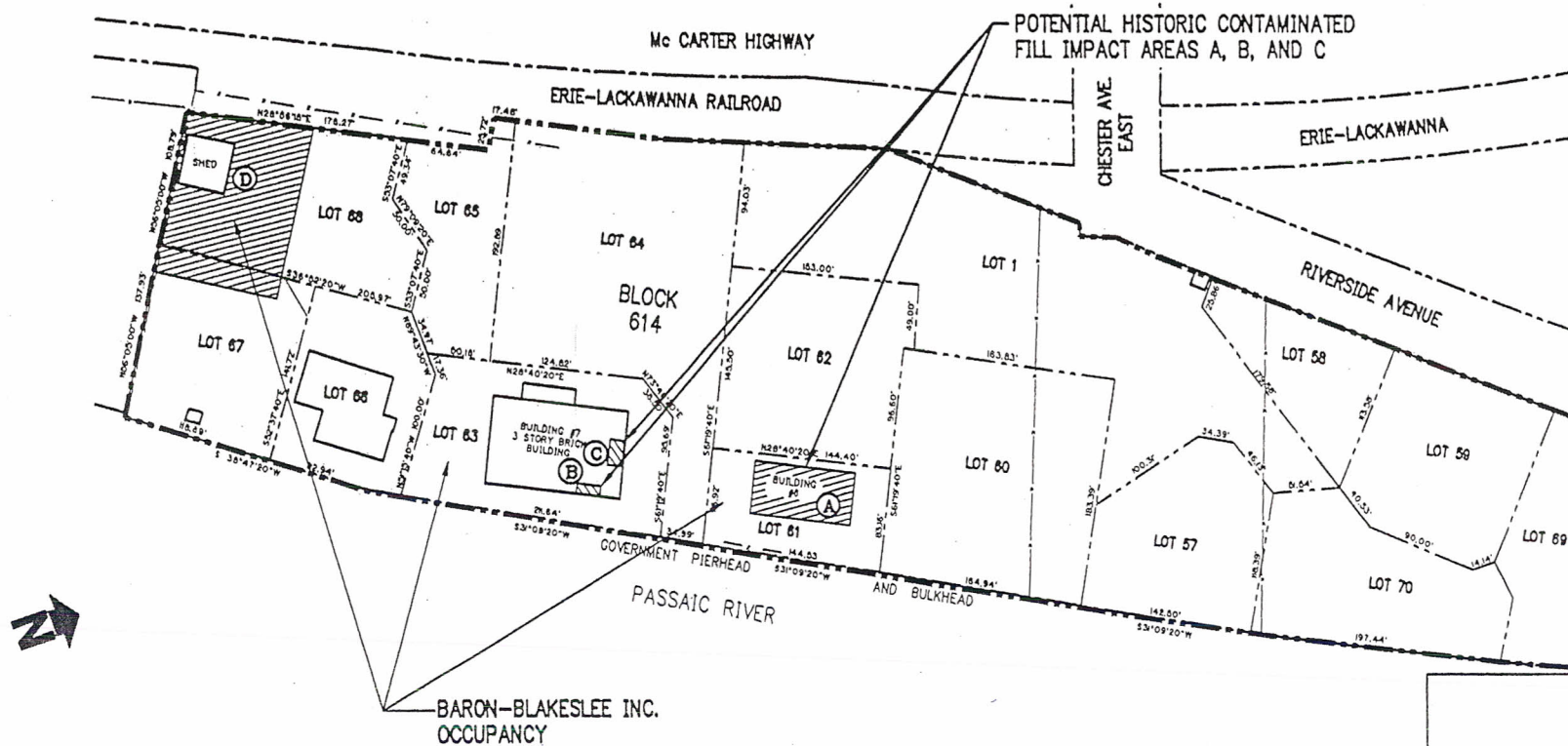
Jeffrey M. Casaletto

**Attachments**

cc: (all via electronic mail with attachments)  
Ms. Elizabeth Butler  
Mr. John Morris  
Thomas Byrne, Esq.  
Jeremy Karpatkin, Esq.







150 75 0 150  
SCALE IN FEET

SOURCE: ALL PROPERTY LINES AND BUILDING LOCATIONS  
ARE APPROXIMATE BASED ON AERIAL PHOTOGRAPH,  
ROBINSON AERIAL SURVEYS, INC. (9/4/89)  
LOTS AND BLOCKS ESTABLISHED FROM CITY OF NEWARK, NJ  
TAX MAPS VOL-3, SHEET 25 & VOL-3, SHEET 42

# LEGEND

- PROPERTY LINE
- ▨ AREA OF CONCERN (AOC)
- (A) WAREHOUSE - BARON-BLAKESLEE, INC. OCCUPANCY
- (B) QC LAB - BARON-BLAKESLEE, INC. OCCUPANCY
- (C) OFFICES - BARON-BLAKESLEE, INC. OCCUPANCY
- (D) TRUCK PARKING - BARON-BLAKESLEE, INC. OCCUPANCY

**Former Baron Blakeslee Inc. Occupancy**  
**29 Riverside Avenue, Newark, New Jersey**  
**ISRA Case No. E88434**

**Environmental Resources Management, Inc.**  
Ewing, New Jersey 08618 (609) 895-0050



CHECKED	DATE
DESIGN ENGINEER	
PROJECT ENGINEER	
PROJECT MANAGER	
APPROVED	
APPROVED	

## EXHIBIT A-3 TAX MAP DESCRIPTION OF PROPERTY

DRAWN V.K.WILLIAMS	DATE 09-15-05	CLIENT APPROVAL
SCALE AS NOTED	W.O. No. 0021952	ISSUED FOR DEED NOTICE
	DATE 10-04-05	

**A-3**

REV. NO.

SHEET OF





# RECORDING INFORMATION SHEET

ESSEX COUNTY REGISTER'S OFFICE  
HALL OF RECORDS , ROOM 130  
465 MARTIN LUTHER KING Jr. Blvd  
NEWARK NJ 07102

INSTRUMENT NUMBER:

8070351

DOCUMENT TYPE :

DEED

Official Use Only

CAROLE A. GRAVES, REGISTER  
ESSEX COUNTY, NJ

INSTRUMENT NUMBER  
8070351  
RECORDED ON  
July 29, 2008 11:44 am  
BOOK:12150 PAGE:618

MC

CONSIDERATION (R) \$0.00

MAIL COPY

NO COPY

ENVELOPE

ADDITIONAL STAMPINGS

Return Address (for recorded documents)

NORRIS MCLAUGHLIN & MARCUS

721 ROUTE 202-206

BRIDGEWATER NJ 08807

No. Of Pages (excluding Summary Sheet)

32

Recording Fee (excluding Transfer Tax)

\$350.00

Realty Transfer Tax

\$0.00

Amount Charged (Check # 8582)

\$350.00

Municipality

NEWARK

Parcel Information

Block 614

Lot 63

First Party Name

NEWARK, CITY OF

Second Party Name

ENVIRONMENTAL PROTECT, DEPT NJ

Additional Information (Official Use Only)

\*\*\*\*\* DO NOT REMOVE THIS PAGE. \*\*\*\*\*  
COVER SHEET (DOCUMENT SUMMARY FORM) IS PART OF ESSEX COUNTY FILING RECORD  
\*\*\*\*\* RETAIN THIS PAGE FOR FUTURE REFERENCE. \*\*\*\*\*



Prepared by:  
[Signature]



JEFFREY M. CASALETTO, ESQ.  
[Print name below signature]

Recorded by: \_\_\_\_\_  
[Signature, Officer of County Recording Office]

\_\_\_\_\_  
[Print name below signature]

### DEED NOTICE

This Deed Notice is made as of the 22<sup>nd</sup> day of July, 2008, by the City of Newark, 920 Broad Street, Newark, New Jersey 07104, (together with his/her/its/their successors and assigns, collectively "Owner").

1. THE PROPERTY. The City of Newark, 920 Broad Street, Newark, New Jersey 07104, is the owner in fee simple of certain real Property designated as **Block 614 Lots 61, 63, and 68**, on the tax map of the City of Newark, Essex County; the New Jersey Department of Environmental Protection Program Interest Number (Preferred ID) for the contaminated site which includes this Property is G000005586; and the Property is more particularly described in Exhibit A, which is attached hereto and made a part hereof (the "Property").

2. DEPARTMENT'S ASSIGNED BUREAU. The Bureau of Industrial Site Remediation was the New Jersey Department of Environmental Protection program that was responsible for the oversight of the remediation of the Property. The matter was Case No. E88434.

3. SOIL CONTAMINATION. Baron Blakeslee, Inc. has remediated contaminated soil at the Property, and the New Jersey Department of Environmental Protection approved a remedial action on January 6, 1998, such that soil contamination remains in certain areas of the Property which contains contaminants in concentrations that do not allow for the unrestricted use of the Property; this soil contamination is described, including the type, concentration and specific location of such contaminants, in Exhibit B, which is attached hereto and made a part hereof. As a result, there is a statutory requirement for this Deed Notice and engineering controls in accordance with N.J.S.A. 58:10B-13.

4. CONSIDERATION. In accordance with the New Jersey Department of Environmental Protection's approval of the remedial action work plan for the remediation of the site which included the Property, and in consideration of the terms and conditions of that approval, and other good and valuable consideration, Owner has agreed to subject the Property to certain statutory and regulatory requirements which impose restrictions upon the use of the Property, to restrict certain uses of the Property, and to provide notice to subsequent owners, lessees and operators of the restrictions and the monitoring,

maintenance, and biennial certification requirements outlined in this Deed Notice and required by law, as set forth herein.

5A. RESTRICTED AREAS. Due to the presence of these contaminants, the Owner has agreed, as part of the remedial action for the Property, to restrict the use of certain parts of the Property (the "Restricted Areas"); a narrative description of these restrictions, along with the associated monitoring and maintenance activities and the biennial certification requirements are provided in Exhibit C, which is attached hereto and made a part hereof. The Owner has also agreed to maintain a list of these restrictions on site for inspection by governmental enforcement officials.

5B. ENGINEERING CONTROLS. Due to the presence and concentration of these contaminants, the Owner has also agreed, as part of the remedial action for the Property, to the placement of certain engineering controls on the Property; a narrative description of these engineering controls, along with the associated monitoring and maintenance activities and the biennial certification requirements are provided in Exhibit C.

6A. ALTERATIONS, IMPROVEMENTS, AND DISTURBANCES.

i. Except as provided in paragraph 6B, below, no person shall make, or allow to be made, any alteration, improvement, or disturbance in, to, or about the Property which disturbs any engineering control at the Property without first obtaining the express written consent of the Department of Environmental Protection. Nothing herein shall constitute a waiver of the obligation of any person to comply with all applicable laws and regulations including, without limitation, the applicable rules of the Occupational Safety and Health Administration. To request the consent of the Department of Environmental Protection, contact:

Department of Environmental Protection  
Division of Remediation Management and Response  
Bureau of Operation, Maintenance, and Monitoring  
Deed Notice Inspection Program  
P.O. Box 413  
401 East State Street  
Trenton, NJ 08625-0413

ii. Notwithstanding subparagraph 6Ai, above, the Department of Environmental Protection's express written consent is not required for any alteration, improvement, or disturbance provided that the owner, lessee or operator:

(A) Notifies the Department of Environmental Protection of the activity by calling the DEP Hotline, at 1-877-WARN-DEP or 1-877-927-6337, within 24 hours after the beginning of each alteration, improvement, or disturbance;

(B) Restores any disturbance of an engineering control to pre-disturbance conditions within 60 calendar days after the initiation of the alteration, improvement or disturbance;



(C) Ensures that all applicable worker health and safety laws and regulations are followed during the alteration, improvement, or disturbance, and during the restoration;

(D) Ensures that exposure to contamination in excess of the applicable remediation standards does not occur;

(E) Submits a written report, describing the alteration, improvement, or disturbance, to the Department of Environmental Protection within 60 calendar days after the end of each alteration, improvement, or disturbance. The owner, lessee or operator shall include in the report the nature of the alteration, improvement, or disturbance, the dates and duration of the alteration, improvement, or disturbance, the name of key individuals and their affiliations conducting the alteration, improvement, or disturbance, a description of the notice the Owner gave to those persons prior to the disturbance, the amounts of soil generated for disposal, if any, the final disposition and any precautions taken to prevent exposure. The Owner, lessee, or operator shall submit the report to:

Department of Environmental Protection  
Division of Remediation Management and Response  
Bureau of Operation, Maintenance, and Monitoring  
Deed Notice Inspection Program  
P.O. Box 413  
401 East State Street  
Trenton, NJ 08625-0413

6B. EMERGENCIES. In the event of any emergency which presents, or may present, an unacceptable risk to the public health and safety or to the environment, any person may temporarily breach any engineering control provided that that person complies with each of the following:

i. Immediately notifies the Department of Environmental Protection of the emergency, by calling the DEP Hotline at 1-877-WARN DEP or 1-877-927-6337;

ii. Limits both the actual disturbance and the time needed for the disturbance to the minimum reasonably necessary to adequately respond to the emergency;

iii. Implements all measures necessary to limit actual or potential, present or future risk of exposure to humans or the environment to the contamination;

iv. Notifies the Department of Environmental Protection when the emergency has ended by calling the DEP Hotline at 1-877-WARN DEP or 1-877-927-6337;

v. Restores the engineering control to the pre-emergency conditions as soon as possible, and provides a written report to the Department of Environmental Protection of such emergency and restoration efforts within 60 calendar days after completion of the restoration of the engineering control. The report must include all information pertinent to the emergency, potential discharges of contaminants, and restoration measures that were implemented, which, at a minimum, should specify: (a) the nature and likely cause

of the emergency, (b) the potential discharges of or exposures to contaminants, if any, that may have occurred, (c) the measures that have been taken to mitigate the effects of the emergency on human health and the environment, (d) the measures completed or implemented to restore the engineering control, and (e) the changes to the engineering control or site operation and maintenance plan to prevent reoccurrence of such conditions in the future. The owner, lessee, or operator shall submit the report to:

Department of Environmental Protection  
Division of Remediation Management and Response  
Bureau of Operation, Maintenance, and Monitoring  
Deed Notice Inspection Program  
P.O. Box 413  
401 East State Street  
Trenton, NJ 08625-0413

7A. MONITORING AND MAINTENANCE OF DEED NOTICE, AND PROTECTIVENESS CERTIFICATION. The persons in any way responsible, pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11a et seq., for the hazardous substances that remain at the Property, the persons responsible for conducting the remediation, the Owner, and the subsequent owners, lessees, and operators, shall monitor and maintain this Deed Notice, and certify to the Department on a biennial basis that the remedial action that includes this Deed Notice remains protective of the public health and safety and of the environment. The subsequent owners, lessees and operators have this obligation only during their ownership, tenancy, or operation. The specific obligations to monitor and maintain this Deed Notice shall include all of the following:

i. Monitoring and maintaining this Deed Notice according to the requirements in Exhibit C, to ensure that the remedial action that includes the Deed Notice continues to be protective of the public health and safety and of the environment;

ii. Conducting any additional remedial investigations and implement any additional remedial actions, that are necessary to correct, mitigate, or abate each problem related to the protectiveness of the remedial action for the site prior to the date that the certification is due to the Department pursuant to iii, below, in order to ensure that the remedial action that includes this Deed Notice remains protective of the public health and safety and of the environment;

iii. Certify to the Department of Environmental Protection as to the continued protectiveness of the remedial action that includes this Deed Notice, on a form provided by the Department and consistent with N.J.A.C. 7:26C-1.2(a)1, every two years on the anniversary of the date stamped on the deed notice that indicates when the deed notice was recorded.

7B. MONITORING AND MAINTENANCE OF ENGINEERING CONTROL, AND PROTECTIVENESS CERTIFICATION. The persons in any way responsible, pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11a



et seq., for the hazardous substances that remain at the Property, the person responsible for conducting the remediation, and, the Owner, and the subsequent owners, lessees, and operators, shall maintain all engineering controls at the Property and certify to the Department on a biennial basis that the remedial action of which each engineering control is a part remains protective of the public health and safety and of the environment. The subsequent owners, lessees and operators have this obligation only during their ownership, tenancy, or operation. The specific obligations to monitor and maintain the engineering controls shall include the following:

i. Monitoring and maintaining each engineering control according to the requirements in Exhibit C, to ensure that the remedial action that includes the engineering control continues to be protective of the public health and safety and of the environment;

ii. Conducting any additional remedial investigations and implement any additional remedial actions, that are necessary to correct, mitigate or abate each problem related to the protectiveness of the remedial action for the Property prior to the date that the certification is due to the Department pursuant to iii, below, in order to ensure that the remedial action that includes the engineering control remains protective of the public health and safety and of the environment;

iii. Certify to the Department of Environmental Protection as to the continued protectiveness of the remedial action that includes the engineering control, on a form provided by the Department and consistent with N.J.A.C. 7:26C-1.2(a)1, every two years on the anniversary of the date stamped on the deed notice that indicates when the deed notice was recorded.

8. ACCESS. The Owner and the subsequent owners, lessees and operators agree to allow the Department, its agents and representatives access to the Property to inspect and evaluate the continued protectiveness of the remedial action that includes this Deed Notice and to conduct additional remediation to ensure the protection of the public health and safety and of the environment if persons responsible for monitoring the protectiveness of the remedial action, as described in paragraph 7, above, fail to conduct such remediation pursuant to this Deed Notice as required by law. The Owner, and the subsequent owners and lessees, shall also cause all leases, subleases, grants and other written transfers of an interest in the Restricted Areas to contain a provision expressly requiring that all holders thereof provide such access to the Department.

9. NOTICES.

i. The Owner and the subsequent owners and lessees, shall cause all leases, grants, and other written transfers of an interest in the Restricted Areas to contain a provision expressly requiring all holders thereof to take the Property subject to the restrictions contained herein and to comply with all, and not to violate any of the conditions of this Deed Notice. Nothing contained in this paragraph shall be construed as limiting any obligation of any person to provide any notice required by any law, regulation, or order of any governmental authority.



ii. Owner and all subsequent owners and lessees shall notify any person intending to conduct invasive work or excavate within the Restricted Areas at the Property, including, without limitation, tenants, employees of tenants, and contractors, of the nature and location of contamination in the Restricted Areas, and of the precautions necessary to minimize potential human exposure to contaminants.

iii. The Owner and the subsequent owners shall provide written notice to the Department of Environmental Protection at least 30 calendar days before the effective date of any conveyance, grant, gift, or other transfer, in whole or in part, of the Owner's interest in the Restricted Areas.

iv. The Owner and the subsequent owners shall provide written notice to the Department within 30 calendar days following the Owner's petition for or filing of any document initiating a rezoning of the Property. The Owner and the subsequent owners shall submit the written notice to:

Department of Environmental Protection  
Division of Remediation Management and Response  
Bureau of Operation, Maintenance, and Monitoring  
Deed Notice Inspection Program  
P.O. Box 413  
401 East State Street  
Trenton, NJ 08625-0413

#### 10. ENFORCEMENT OF VIOLATIONS

i. This Deed Notice itself is not intended to create any interest in real estate in favor of the Department of Environmental Protection, nor to create a lien against the Property, but merely is intended to provide notice of certain conditions and restrictions on the Property and to reflect the regulatory and statutory obligations imposed as a conditional remedial action for this site.

ii. The restrictions provided herein may be enforceable solely by the Department against any person who violates this Deed Notice. To enforce violations of this Deed Notice, the Department may initiate one or more enforcement actions pursuant to N.J.S.A. 58:10-23.11u and require additional remediation and assess damages pursuant to N.J.S.A. 58:10-23.11g.

11. SEVERABILITY. If any court of competent jurisdiction determines that any provision of this Deed Notice requires modification, such provision shall be deemed to have been modified automatically to conform to such requirements. If a court of competent jurisdiction determines that any provision of this Deed Notice is invalid or unenforceable and the provision is of such a nature that it cannot be modified, the provision shall be deemed deleted from this instrument as though the provision had never been included herein. In either case, the remaining provisions of this Deed Notice shall remain in full force and effect.

12. SUCCESSORS AND ASSIGNS. This Deed Notice shall be binding upon Owner and upon Owner's successors and assigns, and subsequent owners, lessees and operators while each is an owner, lessee, or operator of the Property.

13. MODIFICATION AND TERMINATION.

i. Any person may request in writing, at any time, that the Department modify this Deed Notice where performance of subsequent remedial actions, a change of conditions at the Property, or the adoption of revised remediation standards suggest that modification of the Deed Notice would be appropriate.

ii. Any person may request in writing, at any time, that the Department terminate this Deed Notice because the conditions which triggered the need for this Deed Notice are no longer applicable.

iii. This Deed Notice may be revised or terminated only upon filing of an instrument, executed by the Department, in the office of the Register of Deeds and Mortgages of Essex County, New Jersey, expressly modifying or terminating this Deed Notice.

14A. EXHIBIT A. Exhibit A includes the following maps of the Property and the vicinity:

i. Exhibit A-1: Vicinity Map - A map that identifies by name the roads, and other important geographical features in the vicinity of the Property (for example, Hagstrom County Maps);

ii. Exhibit A-2: Metes and Bounds Description - A metes and bounds description of the Property, including reference to tax lot and block numbers for the Property;

iii. Exhibit A-3: Property Map - A scaled map of the Property, scaled at one inch to 200 feet or less, and if more than one map is submitted, the maps shall be presented as overlays, keyed to a base map; and the Property Map shall include diagrams of major surface topographical features such as buildings, roads, and parking lots.

14B. EXHIBIT B. Exhibit B includes the following descriptions of the Restricted Areas:

i. Exhibit B-1: Restricted Area Map - A separate map for each restricted area that includes:

(A) As-built diagrams of each engineering control, including caps, fences, slurry walls, groundwater monitoring wells, and ground water pumping system;

(B) As-built diagrams of any buildings, roads, parking lots and other structures that function as engineering controls; and



(C) Designation of all soil and sediment sample locations within the restricted areas that exceed any soil or sediment standard that are keyed into one of the tables described in the following paragraph.

ii. Exhibit B-2: Restricted Area Data Table - A separate table for each restricted area that includes:

(A) Sample location designation from Restricted Area Map (Exhibit B-1);

(B) Sample elevation based upon mean sea level;

(C) Name and chemical abstract service registry number of each contaminant with a concentration that exceeds the unrestricted use standard;

(D) The restricted and unrestricted use standards for each contaminant in the table; and

(E) The remaining concentration of each contaminant at each sample location at each elevation.

14C. EXHIBIT C. Exhibit C includes narrative descriptions of the institutional controls and engineering controls as follows:

i. Exhibit C-1: Deed Notice as Institutional Control: Exhibit C-1 includes a narrative description of the restriction and obligations of this Deed Notice that are in addition to those described above, as follows:

(A) General Description of this Deed Notice:

(1) Description and estimated size of the Restricted Areas as described above;

(2) Description of the restrictions on the Property by operation of this Deed Notice; and

(3) The objective of the restrictions.

(B) Description of the monitoring necessary to determine whether:

(1) Any disturbances of the soil in the Restricted Areas did not result in the unacceptable exposure to the soil contamination;

(2) There have been any land use changes subsequent to the filing of this Deed Notice or the most recent biennial certification, whichever is more recent;

(3) The current land use on the Property is consistent with the restrictions in this Deed Notice;

(4) Any newly promulgated or modified requirements of applicable regulations or laws apply to the site; and



(5) Any new standards, regulations, or laws apply to the site that might necessitate additional sampling in order to evaluate the protectiveness of the remedial action which includes this Deed Notice, and conduct the necessary sampling.

(C) Description of the following items that will be included in the biennial certification:

(1) A monitoring report that describes the specific activities, pursuant to (A) and (B), above, conducted in support of the biennial certification of the protectiveness of the remedial action that includes this Deed Notice;

(2) Land use at the Property is consistent with the restrictions in this Deed Notice; and

(3) The remedial action that includes this Deed Notice continues to be protective of the public health and safety and of the environment.

ii. Exhibit C-2: Engineering Controls: Exhibit C-2 includes a narrative description of the Engineering Controls as follows:

(A) General Description of the engineering control:

(1) Description of the engineering control;

(2) The objective of the engineering control; and

(3) How the engineering control is intended to function.

(B) Description of the operation and maintenance necessary to ensure that:

(1) Periodic inspections of each engineering control are performed in order to determine its integrity, operability, and effectiveness;

(2) Each engineering control continues as designed and intended to protect the public health and safety and the environment;

(3) Each alteration, excavation or disturbance of any engineering control is timely and appropriately addressed to maintain the integrity of the engineering control;

(4) This engineering control is being inspected and maintained and its integrity remains so that the remedial action continues to be protective of the public health and safety and of the environment;

(5) A record of the self-inspection dates, name of the inspector, results of the inspection and condition(s) of this engineering control. Sampling, for example, may be necessary if it is not possible to visually evaluate the integrity/performance of this engineering control; and

(6) Any new standards, regulations, or laws apply to the site that might necessitate additional sampling in order to evaluate the protectiveness of the remedial action which includes this Deed Notice, and conduct the necessary sampling.

(C) Description of the following items that will be included in the biennial certification:

(1) A monitoring report that describes the specific activities, pursuant to (A) and (B), above, conducted in support of the biennial certification of the protectiveness of the remedial action that includes this Deed Notice;

(2) The engineering controls continue to operate as designed; and

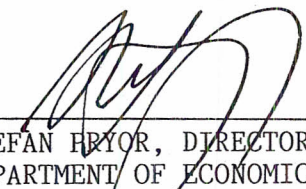
(3) The remedial action that includes the engineering control continues to be protective of the public health and safety and of the environment.

15. SIGNATURES. IN WITNESS WHEREOF, Owner has executed this Deed Notice as of the date first written above.

ATTEST:

City of Newark


  
ROBERT P. MARASCO  
CITY CLERK

By:   
STEFAN PRYOR, DIRECTOR  
DEPARTMENT OF ECONOMIC AND HOUSING DEVELOPMENT

(Print Name and Title)

(Print Name and Title)

APPROVED AS TO FORM AND LEGALITY

  
JULIEN X. NEALS  
CORPORATION COUNSEL

STATE OF NEW JERSEY

SS.:

COUNTY OF ESSEX

I certify that on July 22nd, 2008, STEFAN PRYOR  
personally came before me, and this person acknowledged under oath, to my satisfaction,  
that:


(a) this person is the [official title] Director, Department of Economic & Housing Development of the City of Newark, named in this document;

(b) this person is the attesting witness to the signing of this document by the appropriate official who is the [official title] City Clerk of the City of Newark;

(c) this document was signed and delivered by the City of Newark as its voluntary act and was duly authorized;

(d) this person knows the proper seal of the City of Newark which was affixed to this document; and

(e) this person signed this proof to attest to the truth of these facts.

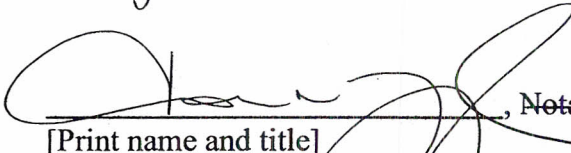
  
7/22/08

ROBERT P. MARASCO, CITY CLERK

[Print name and title of attesting witness]

Signed and sworn before me on

July 22, 2008

  
[Print name and title], Notary Public

**ANDREA N. MAZZULA**  
**An Attorney At Law**  
**of The State of New Jersey**



## **EXHIBIT A. MAPS OF THE PROPERTY AND THE VICINITY:**

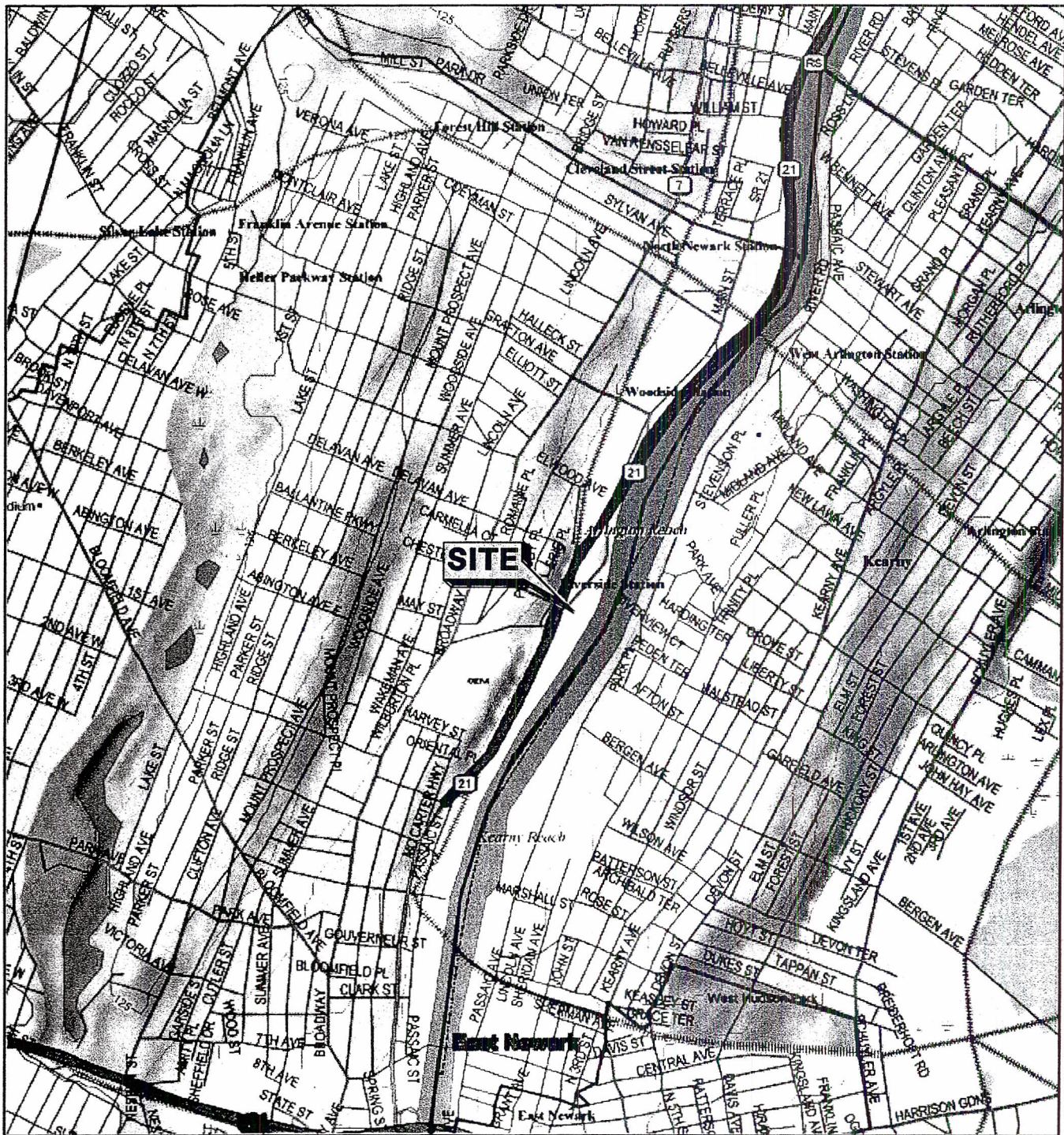
i. **Exhibit A-1: Vicinity Map-** map that identifies by name the roads, and other important geographical features in the vicinity of the property; (Hagstrom County Maps);

ii. **Exhibit A-2: Metes and Bounds Description-** metes and bounds description of the property, including reference to tax lot and block numbers for the property;

iii. **Exhibit A-3: Property Map** – A scaled map of the property, scaled at one inch to 150 feet, the property map includes diagrams of major surface topographical features.



**EXHIBIT A-1**  
**COUNTY STREET MAP**  
**Former Baron-Blakeslee Inc. Occupancy**  
**29 Riverside Avenue, Newark, New Jersey**  
**ISRA Case No. E88434**



2000' 1000' 0 2000'  
 Approximate Scale in Feet



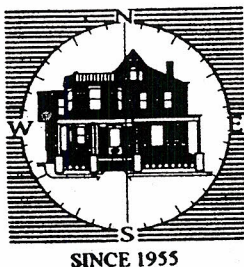
Source: USGS Orange, NJ.  
 Topographic Quadrangle



## **EXHIBIT A-2: METES AND BOUNDS DESCRIPTION**

Exhibit A-2, Legal Description, indicates the metes and bounds for Tax Block 614 – Lots 61, 63, and 68, in the City of Newark, County of Essex, State of New Jersey. The former occupancy for Baron-Blakeslee, Inc. comprised portions of the referenced lots as described in Exhibit A-2, and shown in Exhibit A-3, Tax Map.





# STIRES ASSOCIATES, P.A.

PROFESSIONAL ENGINEERS, PLANNERS AND SURVEYORS  
43 W. HIGH STREET SOMERVILLE, N.J. 08876  
Tel. (908) 725-0230 Fax (908) 707-0831  
E-mail Address: stiresassociates.com

## Legal Description

### Lot 61 Block 614

#### City of Newark County of Essex State of New Jersey

All that certain lot, tract or parcel of land and premise situate, lying and being in City of Newark, County of Essex and State of New Jersey, being more particularly described as follows:

Commencing at a point in the southeasterly sideline of Riverside Avenue said point being located a distance of 458.91 feet along the southeasterly sideline of Riverside Avenue from the intersection of the southwesterly sideline of Chester Avenue East with the southeasterly sideline of Riverside Avenue, said point also being in the line of lands belonging now or formerly to W.R.Q. Realty Corp., Lot 4 Block 674, and from said point running;

- Thence a) along the line of lands of W.R.Q. Realty Corp. South 65 degrees 09 minutes East a distance of 191.81 feet to the bulkhead of the Passaic River;
- Thence b) along the bulkhead South 25 degrees 19 minutes 20 seconds West a distance of 54.46 feet;
- Thence c) continuing along the bulkhead South 31 degrees 09 minutes 20 seconds West a distance of 528.43 feet to the Point of BEGINNING, and from said point running;
- Thence 1) along the bulkhead of the Passaic River, South 31 degrees 09 minutes 20 seconds West a distance of 144.53 feet;
- Thence 2) North 61 degrees 19 minutes 40 seconds West a distance of 76.92 feet;
- Thence 3) North 28 degrees 40 minutes 20 seconds East a distance of 144.40 feet;
- Thence 4) South 61 degrees 19 minutes 40 seconds East a distance of 83.16 feet to the point and place of BEGINNING.

Being also known as Lot H as shown on a map entitled "Proposed Subdivision Lot 1 Block 614 Newark Tax Map" as recorded in the Essex County Clerks' Office February 4, 1985 as case number 3594.

Stires Associates, PA

Richard C. Mathews, LS

N.J. Registration #GS29353

W/lgl/01/01274.61



# STIRES ASSOCIATES, P.A.

PROFESSIONAL ENGINEERS, PLANNERS AND SURVEYORS  
43 W. HIGH STREET SOMERVILLE, N.J. 08876  
Tel. (908) 725-0230 Fax (908) 707-0831  
E-mail Address: stiresassociates.com

## Legal Description

Lot 63, Block 614

City of Newark, County of Essex, State of New Jersey

All that certain lot, tract or parcel of land and premise situate, lying and being in City of Newark, County of Essex and State of New Jersey, being more particularly described as follows:

Commencing at a point in the southeasterly sideline of Riverside Avenue said point being located a distance of 458.91 feet along the southeasterly sideline of Riverside Avenue from the intersection of the southwesterly sideline of Chester Avenue East with the southeasterly sideline of Riverside Avenue, said point also being in the line of lands belonging now or formerly to W.R.Q. Realty Corp., Lot 4 Block 674, and from said point running;

- Thence a) along the line of lands of W.R.Q. Realty Corp. South 65 degrees 09 minutes East a distance of 191.81 feet to the bulkhead of the Passaic River;
- Thence b) along the bulkhead South 25 degrees 19 minutes 20 seconds West a distance of 54.46 feet;
- Thence c) continuing along the bulkhead South 31 degrees 09 minutes 20 seconds West a distance of 707.95 feet to the Point of BEGINNING, and from said point running;
- Thence 1) along the bulkhead of the Passaic River, South 31 degrees 09 minutes 20 seconds West a distance of 211.64 feet;
- Thence 2) North 51 degrees 15 minutes 40 seconds West a distance of 100.00 feet;
- Thence 3) North 89 degrees 43 minutes 30 seconds West a distance of 17.36 feet;
- Thence 4) North 28 degrees 40 minutes 20 seconds East a distance of 175.00 feet;
- Thence 5) North 73 degrees 40 minutes 20 seconds East a distance of 38.50 feet;
- Thence 6) South 61 degrees 19 minutes 40 seconds East a distance of 95.69 feet to the point of BEGINNING.

Being also known as Lot F as shown on a map entitled "Proposed Subdivision Lot 1 Block 614 Newark Tax Map" as recorded in the Essex County Clerks' Office February 4, 1985 as case number 3594.

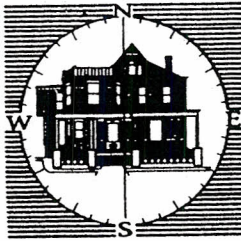
Stires Associates, PA

Richard C. Mathews, LS

N.J. Registration #GS29353

W/lgl/01/01274.63





# STIRES ASSOCIATES, P.A.

PROFESSIONAL ENGINEERS, PLANNERS AND SURVEYORS  
43 W. HIGH STREET SOMERVILLE, N.J. 08876  
Tel. (908) 725-0230 Fax (908) 707-0831  
E-mail Address: stiresassociates.com

## Legal Description

Lot 68, Block 614

City of Newark, County of Essex, State of New Jersey

All that certain lot, tract or parcel of land and premise situate, lying and being in City of Newark, County of Essex and State of New Jersey, being more particularly described as follows:

Commencing at a point at the intersection of the southeasterly right-of-way line of the Erie - Lackawanna Railroad with the southeasterly sideline of Riverside Avenue, and from said point running;

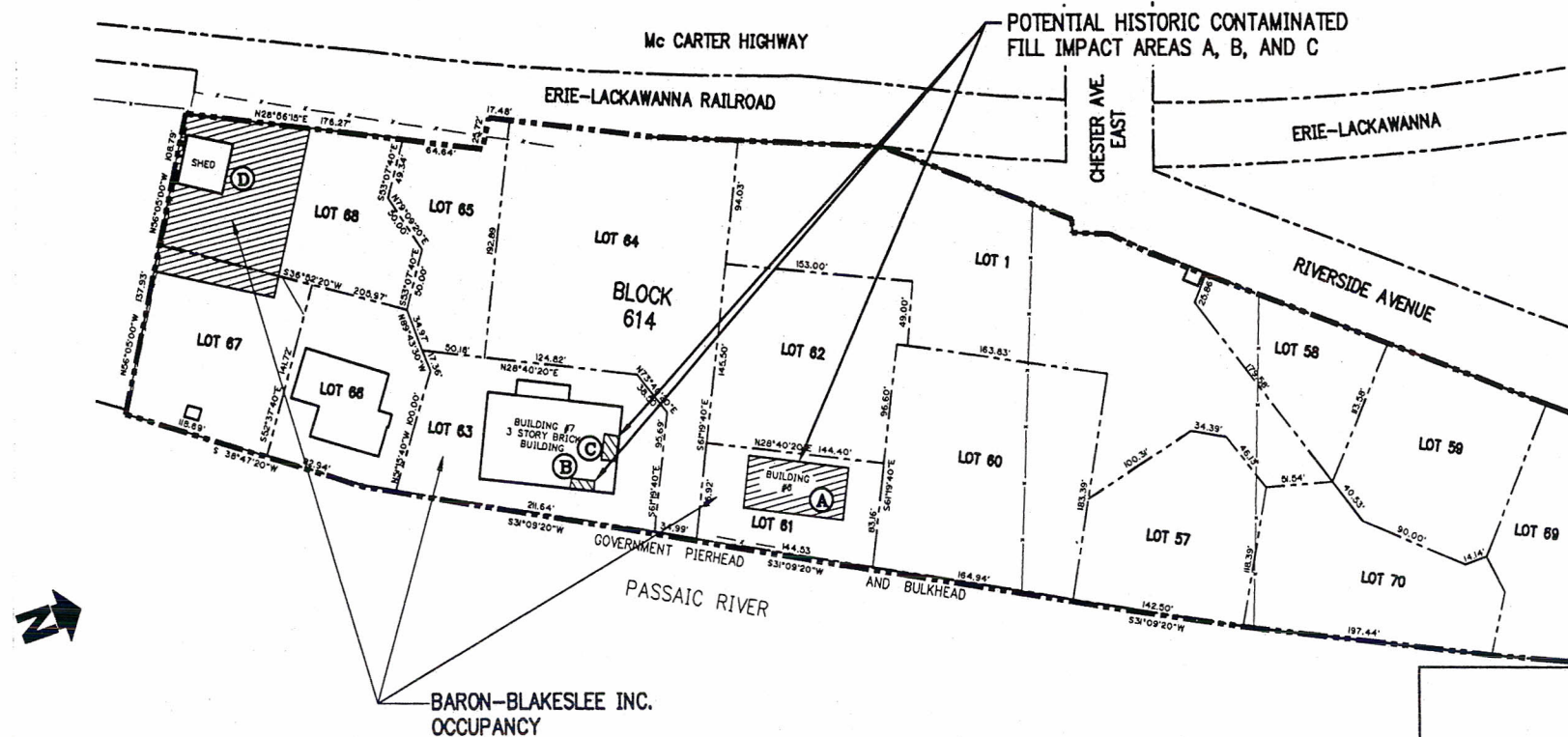
- Thence a) along the right-of-way line of the Erie - Lackawanna Railroad on a curve to the right said curve having a radius of 1934.92 feet and a length along the arc of 42.79 feet to a point of tangency;
- Thence b) continuing along the right-of-way, South 28 degrees 56 minutes 15 seconds West a distance of 342.81 feet;
- Thence c) continuing along the right-of-way, South 56 degrees 05 minutes East a distance of 25.72 feet;
- Thence d) continuing along the right-of-way, South 28 degrees 56 minutes 15 seconds West a distance of 64.64 feet to the Point of BEGINNING, and from said point running;
- Thence 1) South 53 degrees 07 minutes 40 seconds East a distance of 49.34 feet;
- Thence 2) North 79 degrees 09 minutes 20 seconds East a distance of 50.00 feet;
- Thence 3) South 53 degrees 07 minutes 40 seconds East a distance of 50.00 feet;
- Thence 4) South 36 degrees 52 minutes 20 seconds West a distance of 205.97 feet to a point in the line of lands belonging now or formerly to Napp Realty, Inc.;
- Thence 5) along the line of Napp Realty Inc., North 56 degrees 05 minutes 00 seconds West a distance of 108.79 feet to the right-of-way line the Erie - Lackawanna Railroad;
- Thence 6) along the right-of-way line, North 28 degrees 56 minutes 15 seconds East a distance of 176.27 feet to the point and place of BEGINNING.

Being also known as Lot A as shown on a map entitled "Proposed Subdivision Lot 1 Block 614 Newark Tax Map" as recorded in the Essex County Clerks' Office February 4, 1985 as case number 3594.

Stires Associates, PA

Richard C. Mathews, LS  
N.J. Registration #GS29353

W/lgl/01/01274.68 --



150 75 0 150

SCALE IN FEET

SOURCE: ALL PROPERTY LINES AND BUILDING LOCATIONS  
ARE APPROXIMATE BASED ON AERIAL PHOTOGRAPH,  
ROBINSON AERIAL SURVEYS, INC. (9/4/89)

LOTS AND BLOCKS ESTABLISHED FROM CITY OF NEWARK, NJ  
TAX MAPS VOL-3, SHEET 25 & VOL-3, SHEET 42

#### LEGEND

- PROPERTY LINE
- ▨ AREA OF CONCERN (AOC)
- Ⓐ WAREHOUSE - BARON-BLAKESLEE, INC. OCCUPANCY
- Ⓑ QC LAB - BARON-BLAKESLEE, INC. OCCUPANCY
- Ⓒ OFFICES - BARON-BLAKESLEE, INC. OCCUPANCY
- Ⓓ TRUCK PARKING - BARON-BLAKESLEE, INC. OCCUPANCY

**Former Baron Blakeslee Inc. Occupancy**  
**29 Riverside Avenue, Newark, New Jersey**  
**ISRA Case No. E88434**

**Environmental Resources Management, Inc.**

Ewing, New Jersey 08618 (800) 895-0050



CHECKED	DATE
DESIGN ENGINEER	
PROJECT ENGINEER	
PROJECT MANAGER	
APPROVED	
APPROVED	

DRAWING NO.			
<b>EXHIBIT A-3</b>			
<b>TAX MAP</b>			
<b>DESCRIPTION OF PROPERTY</b>			
DRAWN	DATE	CLIENT APPROVAL	
V.K.WILLIAMS	09-15-05		
SCALE	W.O. No.	ISSUED FOR	DATE
AS NOTED	0021952	DEED NOTICE	10-04-05

**A-3**

REV. NO.

SHEET OF

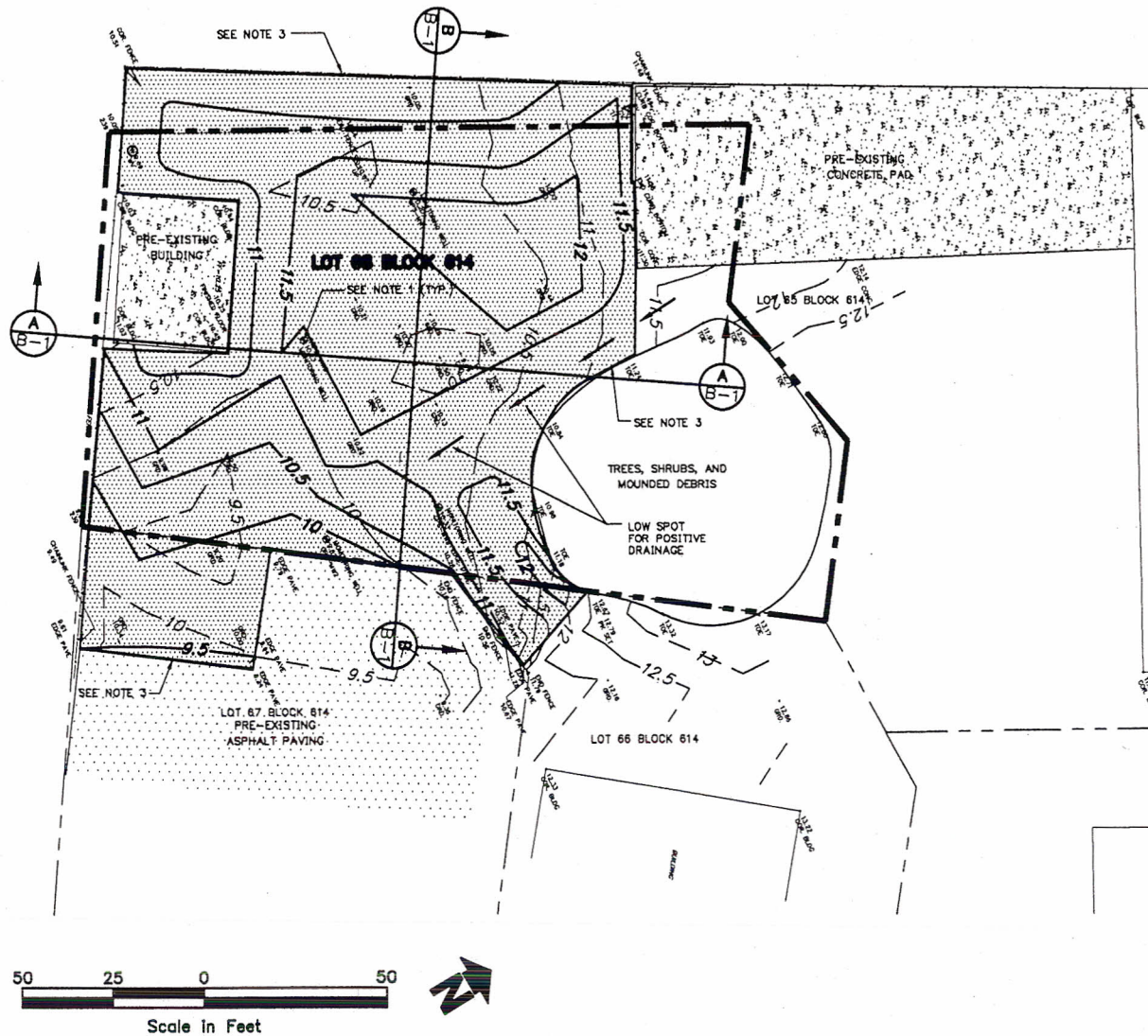


## **EXHIBIT B: DESCRIPTION OF RESTRICTED AREAS**

Exhibit B, Exhibit B-1 indicates the area delineated for soils exceeding the New Jersey Department of Environmental Protection (NJDEP) Unrestricted Use Criteria. Tetrachloroethene (PCE) concentrations in the area indicated exceed the NJDEP Cleanup Criteria of 4 milligrams per kilogram (mg/kg) or parts per million (ppm). The concentrations of PCE in the impacted area range from not detected to a maximum concentration of 100 mg/kg and range in depth from 1.5 to 6.0 feet below the existing ground surface. Trichloroethene (TCE) concentrations did not exceed the NJDEP Cleanup Criteria of 23 mg/kg. The concentrations of TCE in the impacted area range from not detected to a maximum concentration of 1.1 mg/kg and range in depth from 1.5 to 4.5 feet below the existing ground surface. A summary of the samples is shown in Exhibit B-2.

In addition to volatile organic compounds, metals have been detected in the occupancy areas and are associated with historic fill that is distributed both within and outside the area of occupancy. Zinc, lead, and arsenic were encountered on the occupancy at levels above the NJDEP Unrestricted Use Soil Cleanup Criteria. The NJDEP Unrestricted Use Cleanup Criteria for arsenic is 20 mg/kg, for lead is 400 mg/kg and for zinc is 1500 mg/kg. A summary of metals results is shown in Exhibit B-2. The highest level of zinc encountered was 2,020 ppm locating at sample locations B-62 and 3.0-3.5 feet below ground surface (bgs). The highest level of arsenic encountered was 28.2 ppm located at sample location B-63 at 0.5-1.0 feet bgs. All other former occupancy areas were contained within the onsite buildings, as shown on Exhibit B-2. Other than potential historic fill, there are no impacted soils within those former areas of occupancy.



**LEGEND:**

- PROPERTY LINE
- NEW ASPHALT CAP  
SEE DETAIL 1, SHEET 2 OF 2
- 10.5 --- PRE-CONSTRUCTION CONTOURS
- 10.5 --- FINAL CONTOURS
- 12.88 (GRD) PRE-CONSTRUCTION SPOT ELEVATION

**NOTES:**

1. ALL EXISTING MONITORING WELL CASINGS AND CAPS WERE EXTENDED TO FINAL GRADE SURFACE.
2. ALL TREES, SHRUBS, BUSHES, ETC. IN AREA DESIGNATED FOR NEW ASPHALT CAP PAVING WERE REMOVED AND DISPOSED OF.
3. PRE-EXISTING ELEVATIONS AT EDGE OF NEW ASPHALT CAP PAVING WERE MAINTAINED.

**Former Baron Blakeslee Inc. Occupancy**  
**29 Riverside Avenue, Newark, New Jersey**  
**ISRA Case No. E88434**

**Environmental Resources Management, Inc.**  
 Ewing, New Jersey 08818 (808) 895-0050



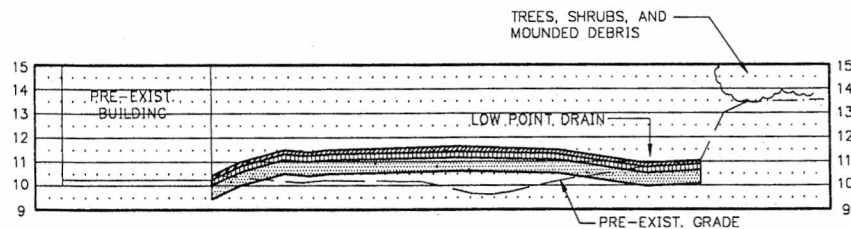
CHECKED	DATE
DESIGN ENGINEER	
PROJECT ENGINEER	
PROJECT MANAGER	
APPROVED	
APPROVED	

DRAWING NO.			
<b>EXHIBIT B-1, FIGURE A</b>			
<b>CAP PLAN</b>			
DRAWN	V.K.WILLIAMS	DATE	09-19-05
SCALE	AS NOTED	W.O. No.	0021952
		CLIENT APPROVAL	
		ISSUED FOR	DEED NOTICE
		DATE	10-04-05

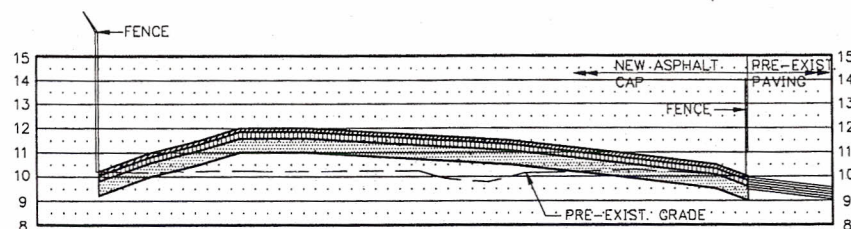
**A**

REV. NO.

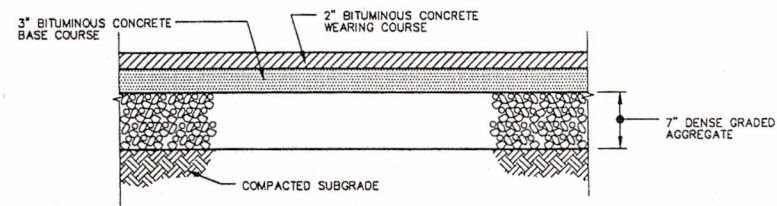
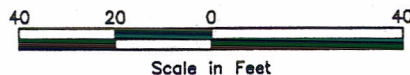
SHEET OF



SECTION A-A

SCALE: 1"=40' HORZ.  
1"=10' VERT.

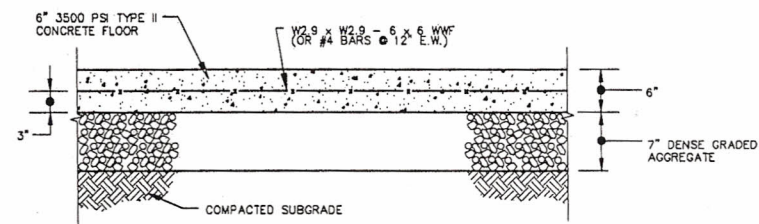
SECTION B-B

SCALE: 1"=40' HORZ.  
1"=10' VERT.

REINFORCED LOW-PERMEABILITY ASPHALT CAP CROSS-SECTION

DETAIL 1

N.T.S.



REINFORCED LOW-PERMEABILITY CONCRETE CAP CROSS-SECTION

DETAIL 2

N.T.S.

## NOTES:

1. PRE-EXISTING ELEVATIONS AT EDGE OF NEW ASPHALT CAP PAVING WERE MAINTAINED.

**Former Baron Blakeslee Inc. Occupancy**  
**29 Riverside Avenue, Newark, New Jersey**  
**ISRA Case No. E88434**

**Environmental Resources Management, Inc.**  
 Ewing, New Jersey 08618 (609) 895-0050



CHECKED	DATE
DESIGN ENGINEER	
PROJECT ENGINEER	
PROJECT MANAGER	
APPROVED	
APPROVED	

DRAWING NO.		
<b>EXHIBIT B-1, FIGURE B</b>		
<b>CAP SECTIONS AND DETAILS</b>		
DRAWN V.K.WILLIAMS	DATE 09-19-05	CLIENT APPROVAL
SCALE AS NOTED	W.O. No. 0021952	ISSUED FOR DEED NOTICE
	DATE 10-04-05	SHEET OF

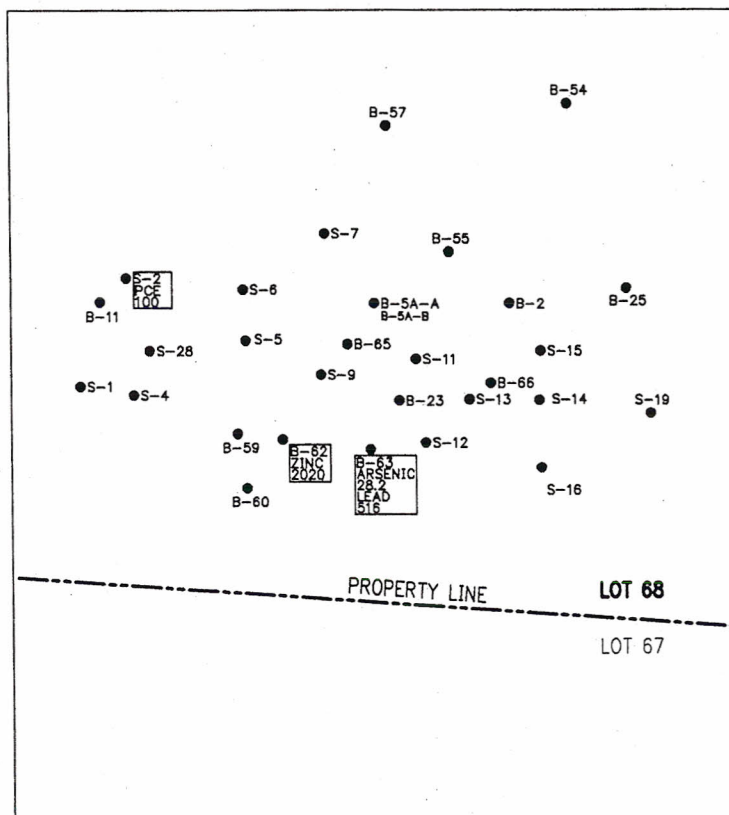
B

REV. NO.



PLOT DATE: 8/4/2006 3:05 PM

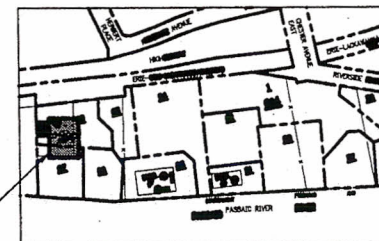
Environmental Resources Management, Inc. 0021952 DEED NOTICE 07061.C.dwg DATE: 8/4/2006-VKW



**ENLARGED AREA**  
SCALE: 1" = 20'



REFER TO  
ENLARGED PLAN  
FOR DETAILS



**KEY PLAN**  
SCALE: 1" = 500'

**LEGEND**

- SOIL BORING LOCATIONS
- S-2 HIGHEST PCE CONCENTRATIONS RECORDED
- B-64 HIGHEST ARSENIC AND LEAD CONCENTRATIONS RECORDED
- B-64 HIGHEST ZINC CONCENTRATIONS RECORDED
- W-64 HIGHEST TCE CONCENTRATIONS RECORDED

NOTE: ALL EXCEEDANCES OF NJDEP UNRESTRICTED USE CRITERIA ARE BETWEEN 2 AND 5 FEET BELOW GROUND SURFACE

SOURCE: ALL BORING LOCATIONS TAKEN FROM A PLAN PREPARED BY RUST ENVIRONMENTAL & INFRASTRUCTURE ENTITLED, FIGURE-1, ENVIRONMENTAL INVESTIGATION

*[Handwritten signature]*

**Former Baron Blakeslee Inc. Occupancy**  
**29 Riverside Avenue, Newark, New Jersey**  
**ISRA Case No. E88434**

**Environmental Resources Management, Inc.**  
Ewing, New Jersey 08618 (609) 895-0050



CHECKED	DATE
DESIGN ENGINEER	
PROJECT ENGINEER	
PROJECT MANAGER	
APPROVED	
APPROVED	

**EXHIBIT B-1, FIGURE C**  
**DESCRIPTION OF AFFECTED AREAS**  
**DETAIL OF AFFECTED AREAS**

DRAWN	V.K.WILLIAMS	DATE	07-18-06	CLIENT APPROVAL
SCALE	AS NOTED	W.O. No.	0021952	ISSUED FOR DEED NOTICE
		DATE	07-19-06	

**C**

REV. NO.

SHEET OF

## **EXHIBIT B-2. RESTRICTED AREA DATA TABLE**

(TABLE A-1, TABLE A-2, TABLE A-3, TABLE A-4, TABLE A-5)

EXHIBIT B-2: Restricted Area Data Table

Table A-1  
Tetrachloroethene

Date	Sample ID	Depth (feet bgs)	CAS Number	NJDEP	NJDEP	Tetrachloroethene (PCE)(mg/kg)
				RDCSCC	NRDCSCC	
8/29/1990	B-2	3.0-3.5	127-18-4	4(k)	6(k)	32
5/3/1991	B-5A-A	1.5-2.0	127-18-4	4(k)	6(k)	53
5/3/1991	B-5A-B	4.0-4.5	127-18-4	4(k)	6(k)	19
5/3/1991	B-11	1.5-2.0	127-18-4	4(k)	6(k)	31
4/30/1991	B-23	4.0-4.5	127-18-4	4(k)	6(k)	45
4/30/1991	B-25	4.0-4.5	127-18-4	4(k)	6(k)	5.4
6/22/1994	B-59	1.5-2.0	127-18-4	4(k)	6(k)	9.6
6/22/1994	B-59	5.0-5.5	127-18-4	4(k)	6(k)	56
6/22/1994	B-62	1.5-2.0	127-18-4	4(k)	6(k)	5.1
6/22/1994	B-63	5.0-5.5	127-18-4	4(k)	6(k)	1.4
6/22/1994	B-65	3.0-3.5	127-18-4	4(k)	6(k)	13
6/22/1994	B-66	2.0-2.5	127-18-4	4(k)	6(k)	13
4/13/1992	S-1	2	127-18-4	4(k)	6(k)	38
4/13/1992	S-2	2	127-18-4	4(k)	6(k)	100
4/13/1992	S-4	2	127-18-4	4(k)	6(k)	40
4/13/1992	S-5	5	127-18-4	4(k)	6(k)	44
4/13/1992	S-6	5	127-18-4	4(k)	6(k)	48
4/13/1992	S-7	2	127-18-4	4(k)	6(k)	40
4/13/1992	S-9	2	127-18-4	4(k)	6(k)	6.7
4/14/1992	S-11	2	127-18-4	4(k)	6(k)	8.5
4/14/1992	S-12	2	127-18-4	4(k)	6(k)	13
4/14/1992	S-13	5	127-18-4	4(k)	6(k)	75
4/14/1992	S-14	5	127-18-4	4(k)	6(k)	27
4/14/1992	S-15	2	127-18-4	4(k)	6(k)	76
4/14/1992	S-16	2	127-18-4	4(k)	6(k)	6.9
4/14/1992	S-19	2	127-18-4	4(k)	6(k)	4.4
4/20/1992	S-28	5	127-18-4	4(k)	6(k)	91

Notes:

Bold indicates an exceedance of the NJDEP Unrestricted Use Soil Cleanup Criteria.

BMQL - Below minimum quantitation limits

NA - Sample was not analyzed for given constituent

  Indicates sample with highest concentration for given constituent

(k) Criteria based on inhalation pathway, which yielded a more stringent criterion than the incidental ingestion exposure pathway

RDCSCC - Residential Direct Contact Soil Cleanup Criteria

NRDCSCC - Nonresidential Direct Contact Soil Cleanup Criteria



EXHIBIT B-2: Restricted Area Data Table

Table A-2  
Trichloroethene

Date	Sample ID	Depth (feet bgs)	CAS Number	NJDEP RDCSCC	NJDEP NRDCSCC	Trichloroethene (TCE)(mg/kg)
8/29/1990	B-2	3.0-3.5	79-01-6	23	54(k)	BMQL
5/3/1991	B-5A-A	1.5-2.0	79-01-6	23	54(k)	0.41
5/3/1991	B-5A-B	4.0-4.5	79-01-6	23	54(k)	BMQL
5/3/1991	B-11	1.5-2.0	79-01-6	23	54(k)	1.1
4/30/1991	B-23	4.0-4.5	79-01-6	23	54(k)	BMQL
4/30/1991	B-25	4.0-4.5	79-01-6	23	54(k)	BMQL
6/22/1994	B-59	1.5-2.0	79-01-6	23	54(k)	BMQL
6/22/1994	B-59	5.0-5.5	79-01-6	23	54(k)	BMQL
6/22/1994	B-62	1.5-2.0	79-01-6	23	54(k)	BMQL
6/22/1994	B-63	5.0-5.5	79-01-6	23	54(k)	BMQL
6/22/1994	B-65	3.0-3.5	79-01-6	23	54(k)	BMQL
6/22/1994	B-66	2.0-2.5	79-01-6	23	54(k)	BMQL
4/13/1992	S-1	2	79-01-6	23	54(k)	NA
4/13/1992	S-2	2	79-01-6	23	54(k)	NA
4/13/1992	S-4	2	79-01-6	23	54(k)	NA
4/13/1992	S-5	5	79-01-6	23	54(k)	NA
4/13/1992	S-6	5	79-01-6	23	54(k)	NA
4/13/1992	S-7	2	79-01-6	23	54(k)	NA
4/13/1992	S-9	2	79-01-6	23	54(k)	NA
4/14/1992	S-11	2	79-01-6	23	54(k)	NA
4/14/1992	S-12	2	79-01-6	23	54(k)	NA
4/14/1992	S-13	5	79-01-6	23	54(k)	NA
4/14/1992	S-14	5	79-01-6	23	54(k)	NA
4/14/1992	S-15	2	79-01-6	23	54(k)	NA
4/14/1992	S-16	2	79-01-6	23	54(k)	NA
4/14/1992	S-19	2	79-01-6	23	54(k)	NA
4/20/1992	S-28	5	79-01-6	23	54(k)	NA

Notes:

Bold indicates an exceedance of the NJDEP Unrestricted Use Soil Cleanup Criteria.

BMQL - Below minimum quantitation limits

NA - Sample was not analyzed for given constituent

**1.1** Indicates sample with highest concentration for given constituent

(k) Criteria based on inhalation pathway, which yielded a more stringent criterion than the incidental ingestion exposure pathway

RDCSCC - Residential Direct Contact Soil Cleanup Criteria

NRDCSCC - Nonresidential Direct Contact Soil Cleanup Criteria

EXHIBIT B-2: Restricted Area Data Table

Table A-3  
Arsenic

Date	Sample ID	Depth (feet bgs)	CAS Number	NJDEP RDCSCC	NJDEP NRDCSCC	NJDEP Historic Fill Database	Arsenic (mg/kg)
June 1994	B-54	0.5-1.0	7440-36-0	20(e)	20(e)	13.15	17.8
June 1994	B-54	1.0-1.5	7440-36-0	20(e)	20(e)	13.15	9.4
June 1994	B-55	2.5-3.0	7440-36-0	20(e)	20(e)	13.15	18.4
June 1994	B-57	0.5-1.0	7440-36-0	20(e)	20(e)	13.15	5.7
June 1994	B-57	3.5-4.0	7440-36-0	20(e)	20(e)	13.15	2.8
June 1994	B-59	0.5-1.0	7440-36-0	20(e)	20(e)	13.15	7.5
June 1994	B-60	0.5-1.0	7440-36-0	20(e)	20(e)	13.15	13.1
June 1994	B-62	3.0-3.5	7440-36-0	20(e)	20(e)	13.15	11.5
June 1994	B-63	0.5-1.0	7440-36-0	20(e)	20(e)	13.15	28.2
June 1994	B-63	3.0-3.5	7440-36-0	20(e)	20(e)	13.15	6

**[Box]**

Bold indicates an exceedance of the NJDEP Unrestricted Use Soil Cleanup Criteria.

BMQL - Below minimum quantitation limits

NA - Sample was not analyzed for given constituent

**[Box]**

Indicates sample with highest concentration for given constituent

(k) Criteria based on inhalation pathway, which yielded a more stringent criterion than the incidental ingestion exposure pathway

RDCSCC - Residential Direct Contact Soil Cleanup Criteria

NRDCSCC - Nonresidential Direct Contact Soil Cleanup Criteria

EXHIBIT B-2: Restricted Area Data Table

Table A-4  
Lead

Date	Sample ID	Depth (feet bgs)	CAS Number	NJDEP RDCSCC	NJDEP NRDCSCC	NJDEP Historic Fill Database	Lead (mg/kg)
June 1994	B-54	0.5-1.0	7439-92-1	400(p)	600(q)	574	182
June 1994	B-54	1.0-1.5	7439-92-1	400(p)	600(q)	574	317
June 1994	B-55	2.5-3.0	7439-92-1	400(p)	600(q)	574	81.6
June 1994	B-57	0.5-1.0	7439-92-1	400(p)	600(q)	574	134
June 1994	B-57	3.5-4.0	7439-92-1	400(p)	600(q)	574	128
June 1994	B-59	0.5-1.0	7439-92-1	400(p)	600(q)	574	121
June 1994	B-60	0.5-1.0	7439-92-1	400(p)	600(q)	574	271
June 1994	B-62	3.0-3.5	7439-92-1	400(p)	600(q)	574	185
June 1994	B-63	0.5-1.0	7439-92-1	400(p)	600(q)	574	80.4
June 1994	B-63	3.0-3.5	7439-92-1	400(p)	600(q)	574	516

Bold indicates an exceedance of the NJDEP Unrestricted Use Soil Cleanup Criteria.

BMQL - Below minimum quantitation limits

NA - Sample was not analyzed for given constituent

(k) Criteria based on inhalation pathway, which yielded a more stringent criterion than the incidental ingestion exposure pathway

RDCSCC - Residential Direct Contact Soil Cleanup Criteria

NRDCSCC - Nonresidential Direct Contact Soil Cleanup Criteria



EXHIBIT B-2: Restricted Area Data Table

Table A-5  
Zinc

Date	Sample ID	Depth (feet bgs)	CAS Number	NJDEP RDCSCC	NJDEP NRDCSCC	NJDEP Historic Fill Database	Zinc (mg/kg)
June 1994	B-54	0.5-1.0	7440-66-6	1500(m)	1500(m)	575	65.1
June 1994	B-54	1.0-1.5	7440-66-6	1500(m)	1500(m)	575	9.4
June 1994	B-55	2.5-3.0	7440-66-6	1500(m)	1500(m)	575	26.9
June 1994	B-57	0.5-1.0	7440-66-6	1500(m)	1500(m)	575	32.3
June 1994	B-57	3.5-4.0	7440-66-6	1500(m)	1500(m)	575	71.7
June 1994	B-59	0.5-1.0	7440-66-6	1500(m)	1500(m)	575	94
June 1994	B-60	0.5-1.0	7440-66-6	1500(m)	1500(m)	575	144
June 1994	B-62	3.0-3.5	7440-66-6	1500(m)	1500(m)	575	2020
June 1994	B-63	0.5-1.0	7440-66-6	1500(m)	1500(m)	575	23.8
June 1994	B-63	3.0-3.5	7440-66-6	1500(m)	1500(m)	575	514
					.		

  Bold indicates an exceedance of the NJDEP Unrestricted Use Soil Cleanup Criteria.

BMQL - Below minimum quantitation limits

NA - Sample was not analyzed for given constituent

  Indicates sample with highest concentration for given constituent

(k) Criteria based on inhalation pathway, which yielded a more stringent criterion than the incidental ingestion exposure pathway

RDCSCC - Residential Direct Contact Soil Cleanup Criteria

NRDCSCC - Nonresidential Direct Contact Soil Cleanup Criteria

**EXHIBIT C. NARRATIVE DESCRIPTIONS OF THE INSTITUTIONAL  
CONTROLS**

## **EXHIBIT C-1: DEED NOTICE AS INSTITUTIONAL CONTROL**

### **(A) General Description of this Deed Notice:**

This Deed Notice is being submitted in accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E. Specifically, this Deed Notice is for the property located on Block 614 Lot 61, Lot 63, and Lot 68 in the City of Newark, County of Essex, State of New Jersey, further described in Exhibit A-2 herein. The estimated size of the Restricted Area is the majority of Lot 68 as shown in Exhibit B-1, Figure C. The restrictions on the Property by operation of this Deed Notice are to continue for as long as the residual contamination remains at the site and includes the institutional and engineering controls as further described in Exhibit C-2. The objective of the restrictions are to utilize engineering and institutional controls to remediate contamination in lieu of remediating the site to meet the established remediation standard and to ensure that it is protective of public health, safety, and the environment. The use shall be restricted to non-residential uses only.

Vapor intrusion guidance triggers are exceeded in that portion of Lot 68 being restricted. Future use of that portion of Lot 68 being restricted that would allow buildings requires full disclosure and Department of Environmental Protection oversight for any structure.

### **(B) Description of the Monitoring Necessary to Comply with Section 14C, Exhibit C, i (B) of the Deed Notice:**

Pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-8, and this Deed Notice, the City of Newark, and its successors shall conduct monitoring for compliance and effectiveness of the institutional control and engineering controls specified in this document. Semi-annual inspections will be conducted to evaluate the condition of the engineering controls. A report will be submitted to the Department every two years certifying that the institutional and engineering controls are being properly maintained and continue to be protective of public health, safety and the environment. Any such certification shall include the information relied upon to determine that no changes have been made. The report will be submitted in writing and/or electronic format acceptable to the NJDEP. Any new standards, regulation, or laws applicable to this remedial action will be followed. Any breaches in engineering controls shall be repaired within 60 calendar days of detection.

### **(C) Description of Items Included in Biennial Certification**

A monitoring report that describes the specific activities, pursuant to (A) and (B) above, will be submitted to the Department every two years certifying that the institutional and engineering controls are being properly maintained and continue to be protective of public health, safety and the environment. Any such certification shall include the information relied upon to determine that no changes have been made. The report will be submitted in writing and/or electronic format acceptable to the NJDEP. The report will reflect that land use at the site is consistent with the restrictions in this Deed Notice and any new standards, regulation, or laws applicable to this remedial action will be followed.



## **EXHIBIT C-2. NARRATIVE DESCRIPTIONS OF THE ENGINEERING CONTROLS**

### **(A) General Description of this Deed Notice:**

Areas with engineering controls are indicated in Exhibit B. Engineering control for Lot 68 consists of a reinforced low permeability asphalt cap. The asphalt engineering control (located on Lot 68) includes several layers of capping material as described in detail in Exhibit B. These layers consist of seven (7) inches of dense graded aggregate (DGA), three inches of bituminous concrete as a base course, and two (2) inches of bituminous concrete as a wearing course. These materials are placed on the existing subgrade. All engineering controls are designed to meet the intended use for the area exhibiting the control as shown in Exhibit B. The objective of the engineering control is to ensure the protectiveness of the public health, safety, and the environment in lieu of remediating the site to meet the established remediation standard.

Engineering controls for Lot 61 and Lot 63 consist of a concrete slab at the base of Bldg. #6 and Bldg. #7 respectively. The slab-on-grade building floor engineering control is made of reinforced concrete and is approximately six (6) inches thick. A typical section detail is shown in Exhibit B-1, Figure B. The objective of the engineering control is to ensure the protectiveness of public health, safety, and the environment in lieu of remediating the site to meet the established remediation standard.

### **(B) Description of the Monitoring Necessary to Comply with Section 14C, Exhibit C, i (B) of the Deed Notice:**

Pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-8, and this Deed Notice, the City of Newark, and its successors shall conduct monitoring for compliance and effectiveness of the institutional control and engineering controls specified in this document. Semi-annual inspections will be conducted to evaluate the condition of the engineering controls. A report will be submitted to the Department every two years certifying that the institutional and engineering controls are being properly maintained and continue to be protective of public health, safety and the environment. Any such certification shall include the information relied upon to determine that no changes have been made. The report will be submitted in writing and/or electronic format acceptable to the NJDEP. Any new standards, regulation, or laws applicable to this remedial action will be followed.

### **(C) Description of Items Included in Biennial Certification**

A monitoring report that describes the specific activities, pursuant to (A) and (B) above, will be submitted to the Department every two years certifying that the institutional and engineering controls are being properly maintained and continue to be protective of public health, safety and the environment. Any such certification shall include the information relied upon to determine that no changes have been made. The report will be submitted in writing and/or electronic format acceptable to the NJDEP. The report will reflect that land use at the site is consistent with the restrictions in this Deed Notice and any new standards, regulation, or laws applicable to this remedial action will be followed.